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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/570,583

03/03/2006

Carl-Gustaf Backman

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9891

23598 7590 06/02/2009

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EXAMINER

LOPEZ, CARLOS N

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

06/02/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@boylefred.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/570,583	<b>Applicant(s)</b> BACKMAN, CARL-GUSTAF	
	<b>Examiner</b> CARLOS LOPEZ	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

***Specification***

Claim 18 objected to because of the following informalities: typing error at second line of claim 18 using "And". Appropriate correction is required.

***Priority***

The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application). The disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

The disclosure of the prior-filed application, Application No. 60/481324 ('324), fails to provide adequate support or enablement in the manner provided by the first paragraph of 35 U.S.C. 112 for one or more claims of this application. The '324 fails to provide support for the limitations recited in claims 19-20 (no specific combination of the elements recited in claim 19), 2-9 ( no support for a fibrous filter as recited in claim 2 and no support of sizes of the granules and/or amounts as recited in claims 7-9), no support for attachment to a body of tobacco as recited in claim 11, a fibrous material as recited in claim 12-13, and claimed granules sizes and amounts of claims 14-16.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11, 13-15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Siren (US 4,350,173). Siren discloses filter material for cigarette smoke. The cigarette comprises of copper in granule form. (See Col. 4, lines 4-10; Col. 4, lines 47-50).

As for claim 2, Siren discloses at col. 4, lines 60ff (See also bridging paragraph of Col. 3-4) that the granules may be mixed with polymeric porous material which is deemed as the claimed fibrous material.

As for claim 3-5 and 18, as shown in the examples 1-2, the granules are dispersed all over the filter material, hence, when forming the cigarette some granulates will be disposed adjacent to an end of said fibrous filter opposite said inhalation.

As for claims 6 and 13, the claim is merely describing portions of a cigarette filter which would be met by Siren which discloses dispersing the granules throughout the fibrous material.

As for claims 7-8 and 14-15, see Col. 4, lines 50ff disclosing a range of 0.005-3mm.

As for claim 11, see example 4 providing attachment to cigarettes.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siren (US 4,350,173). Siren is silent disclosing the amount of copper to use in the cigarette filter. However, in view that the copper is a result effective variable as shown above, it would have been obvious to a person of ordinary skill in the art to have conducted routine experimentation to determine the optimum amount of copper to add to the cigarette filter in order to provide optimum filtration of deleterious smoke components. Furthermore, while Siren discloses the relative weight percentage of the copper granules it would appear that the amount added to the filter in grams would depend on the weight/amount of filter/fibrous material to be treated. Hence, the claimed amount of 0.1g to 1g would be dependant on or indicative of the amount of fibrous material to be treated.

Claims 10, 12, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siren (US 4,350,173) in view of Hughes et al (US 7,112,280). Siren is silent disclosing metals such as the claimed redox alloy media. However, Hughes teaches in table 1 of using KDF (a copper zinc alloy metallic particles) deemed as the claimed RAM for filter cigarette smoke (see application 5, disclosed in col. 22). Hence, at the time the invention was made it would have been obvious to a person of ordinary skill in the art to have provided KDF as a means for filtering cigarette smoke in the Siren filter. Consequently, the proposed claim is merely using a known metal filter material to substitute the metal filter material of Siren in order to obtain the predictable result of filtering cigarette smoke.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARLOS LOPEZ whose telephone number is (571)272-1193. The examiner can normally be reached on Mon.-Fri. 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571.272.1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos Lopez/  
Primary Examiner  
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